

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: C.R. BARD, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

Case No. 2:10-md-2187

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 47
(Waiver of Service Provisions for C.R. Bard, Inc.)**

With the substantial agreement of the parties, the court hereby ORDERS that:

1. Subject to the conditions set forth in this Order, Defendant C. R. Bard, Inc. (“Bard”) will waive service of process in cases in which it is named and one or more products either manufactured or distributed by Bard is alleged to be at issue.


2. For such cases, plaintiffs shall send the short form complaint, a request for waiver of service pursuant to the provisions of Fed. R. Civ. P. 4, and, if in their possession, a sticker page or other medical record identifying the product(s) at issue in the case to Richard B. North, Jr. by email jointly to richard.north@nelsonmullins.com; maria.turner@nelsonmullins.com; and amanda.shelton@nelsonmullins.com.

3. Counsel for Bard shall return the signed waiver requests to the court within the time permitted by Fed. R. Civ. P. 4.

4. Plaintiffs submitting a request for waiver shall not seek to hold Bard in default for failure to timely answer a complaint in which service has been accomplished pursuant to the terms of this Order without first giving Bard written notice of the alleged default and ten business days in which to cure any alleged default.

The Court **DIRECTS** the Clerk to file a copy of this order in 2-10-md-2187 and it shall apply to each member case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:12-cv-03535. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsc.uscourts.gov.

ENTER: July 24, 2012



Joseph R. Goodwin, Chief Judge